

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*  
Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma  
L.P., et al.*  
Case No. 1:18-op-45004

**MDL No. 2804  
Case No. 17-md-2804  
Hon. Judge Dan A. Polster**

**THE TEVA, CEPHALON AND ACTAVIS GENERIC DEFENDANTS’  
OBJECTIONS TO PLAINTIFFS’ DEPOSITION DESIGNATIONS**

Pursuant to the Civil Jury Trial Order, ECF No. 1598, entered in In re National Prescription Opiate Litigation (MDL 2804) on May 1, 2019 (as amended in Judge Polster’s July 29, 2019 order), Teva Pharmaceuticals USA, Inc. (“Teva”), and Cephalon, Inc. (“Cephalon”), and Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida (the “Actavis Generic Defendants”, and collectively, the “Teva Defendants”) submit the following Objections to Plaintiffs’ Affirmative Deposition Designations.

The Teva Defendants hereby serve Objections to the following deposition designations affirmatively designated by Plaintiffs (*see* Exhibit A):

1. Nancy Baran
2. Deborah Bearer
3. Andrew Boyer
4. Rachelle Galant
5. Doron Herman
6. Stephan Kaufhold
7. Nathalie Leitch
8. Jinping McCormick
9. Colleen McGinn
10. David Myers
11. Terri Nataline
12. Michael Perfetto
13. Paul Andrew Pyfer
14. Laura Sippial
15. Sarita Thapar
16. Joseph Tomkiewicz

Because Plaintiffs have withdrawn all deposition designations to certain previously identified witnesses, Defendants are not filing objections to those designations.<sup>1</sup> Defendants,

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<sup>1</sup> Additionally, on September 16, 2019, counsel for the Teva Defendants requested corrected Plaintiffs' revised designations for the deposition of Michael Dorsey because Plaintiffs' revised line/page designations did not correspond with the transcript. Counsel for Plaintiffs advised that same day that they would provide corrected designations, but failed to provide corrected designations despite several requests. Plaintiffs are now out of time to serve corrected designations for the Dorsey deposition and have waived their right to do so now. To the extent the Court permits Plaintiffs to serve untimely, corrected designations, the Teva Defendants reserve the right to assert

however reserve the right to object to any attempt by Plaintiffs to play affirmatively any portion of those witnesses' video depositions at trial and reserve the right to counter-designate testimony for these witnesses.

The Teva Defendants further hereby serve Responses to Plaintiffs' Objections and Objections to Plaintiffs' Counter Designations to Defendants' affirmative designations for the following witnesses (*see* Exhibit B):

1. Jennifer Altier
2. Nancy Baran
3. Jeannette Barrett
4. Douglas Boothe
5. Andrew Boyer
6. Michael Clarke
7. Matthew Day
8. Nathalie Leitch
9. Jinping McCormick
10. Colleen McGinn
11. David Myers
12. Thomas Napoli
13. Terri Nataline
14. Michael Perfetto
15. Sarita Thapar

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objections to Plaintiffs' revised affirmative designations to the Dorsey deposition. In the interest of preserving its objections, attached as Exhibit C are the Teva Defendants' Objections to the discernable affirmative designations to the Dorsey deposition.

16. Mary Woods

The Teva Defendants further reserve all rights, including all rights to revise or withdraw responsive deposition designations and objections, and the right to adopt and incorporate any responsive designations or objections asserted by any other party, including settled and severed parties. The Teva Defendants further reserve the right to revise or withdraw these designations and objections based on the Court's rulings, Plaintiffs' and other individual Defendants' designations of deposition testimony, and evidence introduced at trial. The Teva Defendants also reserve the right to play, in response to deposition testimony played by Plaintiffs, any testimony they, or any other party or former party, designated affirmatively. The Teva Defendants also reserve the right to play any testimony Plaintiffs have designated. By submitting these designations, the Teva Defendants do not waive any objections to the use of testimony and/or exhibits or their subject matter. The inclusion of any testimony and/or exhibit within these designations should not be construed as an admission that such testimony and/or exhibit is admissible if offered by Plaintiffs or another Defendant. The Teva Defendants expressly reserve the right to object to Plaintiffs' attempts to introduce any testimony and/or exhibit included in these designations.

Consistent with prior representation by Plaintiffs' counsel that "objections and colloquy will not be proffered" by Plaintiffs, the Teva Defendants have not objected on a line-by-line basis to objections and colloquy; instead, the Teva Defendants objects to all objections and colloquy as a global matter.

Defendants' objections are made pursuant to the following Objections Key:

<b>Code</b>	<b>Objection</b>
402	Relevance. FRE 402.
403	Undue Prejudice, Confusion, Waste of Time. FRE 403.
408	Inadmissible Evidence of Settlement or Negotiations. FRE 408.
602	Lack of Foundation/Speculation. FRE 602.
802	Hearsay. FRE 802.
AA	Asked and Answered. FRE 611(a).
AF	Assumes Facts Not in Evidence. FRE 103(d), 611(a).
ARG	Argumentative. FRE 611(a).
AU	Authentication Lacking. FRE 901.
BER	Best Evidence Rule. FRE 1002.
CML	Cumulative. FRE 403, 611(a).
CMP	Compound Question. FRE 611(a).
CO	Contrary to Court Order.
COL	Improper Attorney Colloquy. FRE 103(d), 603.
DEM	Demonstrative Not Marked as Exhibit. FRE 103(d), 611(a).
HYP	Improper Hypothetical. FRE 602, 701.
ILO	Improper Opinion of Lay Witness. FRE 701.
INC	Designation Incomplete; Incomprehensible.
LC	Calls for Legal Conclusion. FRE 103(d), 602, 701.
LDG	Leading. FRE 611(c).
MD	Misstates the Document. FRE 103(d), 611(a).
MPT	Misstates Prior Testimony. FRE 103(d), 611(a).
NAR	Calls for Narrative Response . FRE 103(d), 611(a).
NR	Nonresponsive. FRE 611(a).
PV	Privileged. FRE 103(d), 501, 502.
SCP	Outside the Scope of Designated Topics. FRE 602, 611(a)-(b); FRCP 30(b)(6).
SUM	Improper Summary. FRE 1006.

Dated: October 2, 2019

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I, Steven A. Reed, hereby certify that the foregoing document was filed via the Court's ECF system which will send notification of such filing to all counsel of record.

Dated: October 2, 2019

/s/ Steven A. Reed  
Steven A. Reed